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GOTTLIEB, RACKMAN & REISMAN, P.C.

270 Madison Avenue, 8th Floor

New York, New York 10016-0601

Telephone: (212) 684-3900

Fax: (212) 684-3999

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PETITIONS OFFICE

FACSIMILE COVER SHEET

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TO: Office of Petitions**COMPANY:** United States Patent and Trademark Office**TELEFAX NO.:** 703 308 6916**TELEPHONE NO.:** 703 305 9285**FROM:** Tiberiu WEISZ, Esq.

We are sending a communication of 18 page(s) (including this cover sheet). Please call (212) 684-3900 immediately if transmission is interrupted or of poor quality.

November 13, 2001

Your Ref No.: 09/767,027

Our Ref. No.: 3486-024 DIV III

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 61.8

I hereby certify that this correspondence is being facsimile transmitted to Office of Petitions, at Fax 703 308 6916, Assistant Commissioner for Patents, Washington, DC 20231 on 11.13.2001.

Bolinda J. Hunter
Bolinda Hunter

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PTO/SB/21 (6-98)


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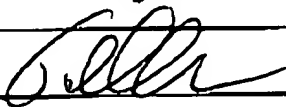
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Approved for use through 09/30/2000. OMB 0851-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/767.027	
	Filing Date	January 22, 2001	
	First Named Inventor	HOCHMAN, Mark N	
	Group Art Unit	3763	
	Examiner Name	To Be Assigned	
Total Number of Pages in This Submission	17	Attorney Docket Number	3486-024 DIV III

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): Return Receipt Postcard:
Remarks  22440 PATENT TRADEMARK OFFICE		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	GOTTLIEB RACKMAN & REISMAN PC Tiberlu WEISZ Reg. No. 29,876
Signature	
Date	November 13, 2001

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Typed or printed name	<input type="text"/>	
Signature	<input type="text"/>	Date <input type="text"/>

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PTO/SB/17 (09-00)

Approved for use through 10/31/2002. OMB 0651-0092
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
for FY 2001**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 557**Complete if Known**

Application Number	09/767,027
Filing Date	January 22, 2001
First Named Inventor	HOCHMAN, Mark N
Examiner Name	To Be Assigned
Group Art Unit	3763
Attorney Docket No.	3486-024 DIV III

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PETITIONS OFFICE**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

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Gottlieb Rackman & Reisman PC

- ☒
- Charge Any Additional Fee Required
-
- Under 37 CFR 1.16 and 1.17

- ☒
- Applicant claims small entity status.
-
- See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Fee Fee Fee Fee Description

Code (\$)	Code (\$)	Code (\$)	Code (\$)	Code (\$)	Fee Description	Fee Paid
101	710	201	355		Utility filing fee	355
106	320	206	160		Design filing fee	
107	490	207	245		Plant filing fee	
108	710	208	355		Reissue filing fee	
114	150	214	75		Provisional filing fee	

SUBTOTAL (1) (\$) 355**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
23	-20** = 3	9	27
3	-3** = 0		
Multiple Dependent			

Large Entity Small Entity

Fee Fee Fee Fee Fee Description

Code (\$)	Code (\$)	Code (\$)	Code (\$)	Code (\$)	Fee Description	Fee Paid
103	18	203	9		Claims in excess of 20	
102	80	202	40		Independent claims in excess of 3	
104	270	204	135		Multiple dependent claim, if not paid	
109	80	209	40		** Reissue independent claims over original patent	
110	18	210	9		** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 27

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Fee Fee Fee Fee Description

Code (\$)	Code (\$)	Code (\$)	Code (\$)	Code (\$)	Fee Description	Fee Paid
105	130	205	65		Surcharge - late filing fee or oath	65
127	50	227	25		Surcharge - late provisional filing fee or cover sheet	
139	130	139	130		Non-English specification	
147	2,520	147	2,520		For filing a request for ex parte reexamination	
112	920*	112	920*		Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*		Requesting publication of SIR after Examiner action	55
115	110	215	55		Extension for reply within first month	
116	390	216	195		Extension for reply within second month	
117	890	217	445		Extension for reply within third month	
118	1,390	218	695		Extension for reply within fourth month	
128	1,890	228	945		Extension for reply within fifth month	
119	310	219	155		Notice of Appeal	
120	310	220	155		Filing a brief in support of an appeal	
121	270	221	135		Request for oral hearing	
138	1,510	138	1,510		Petition to institute a public use proceeding	
140	110	240	55		Petition to revive - unavoidable	55
141	1,240	241	620		Petition to revive - unintentional	
142	1,240	242	620		Utility issue fee (or release)	
143	440	243	220		Design issue fee	
144	800	244	300		Plant issue fee	
122	130	122	130		Petitions to the Commissioner	
123	50	123	50		Petitions related to provisional applications	
126	240	126	240		Submission of Information Disclosure Stmt	
581	40	581	40		Recording each patent assignment per property (times number of properties)	
146	710	246	355		Filing a submission after final rejection (37 CFR § 1.128(a))	
149	710	249	355		For each additional invention to be examined (37 CFR § 1.128(b))	
178	710	278	355		Request for Continued Examination (RCE)	
169	900	169	900		Request for expedited examination of a design application	

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 175**SUBMITTED BY**

Name (Print/Type)

WESZ, Tibor

Registration No.
(Attorney/Agent)

29,876

Complete (if applicable)

Telephone

212 684 3900

Signature

Date

November 13, 2001

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/767.027	
	Filing Date	January 22, 2001	
	First Named Inventor	HOCHMAN, Mark N	
	Group Art Unit	3763	
	Examiner Name	To Be Assigned	
Total Number of Pages in This Submission	10	Attorney Docket Number	3486-024 DIV3

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After and/or Late Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) Return Receipt Postcard;
Remarks	FAX RECEIVED NOV 13 2001 PETITIONS OFFICE	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	GOTTLIEB RACKMAN & REISMAN PC Tiberiu WEISZ Reg. No. 29,876
Signature	
Date	June 20, 2001

CERTIFICATE OF MAILING	
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Typed or printed name	Belinda HUNTER
Signature	
Date	June 20, 2001

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Date June 20, 2001 Atty JR/TW/BEL

Re: Inventor: HOCHMAN Title: DRUG DELIVERY SYSTEM
WITH PROFILES

Client/Matter (Docket) No. 3486/24 DIV3 Case No. S/N 09/767 027 R/N P/N

Title or Description of Enclosures Trans. Form Cvr. Sht.; Sec. Req. Not. File
Miss. Prts. and Req. Corr. (Prelim) Filing Rct.; Not. File Missing
Prts. Non-Prov. 2pgs; Record. Form Cvr. Sht. in dupl. 2pgs;
Ass'gn. 2pgs.; Check \$40.

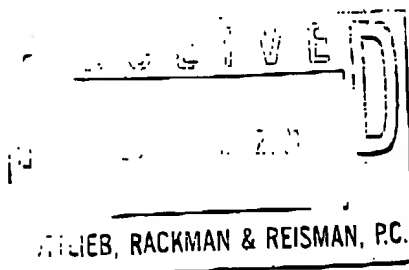
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New York, New York 10016-0601

Attention: Docketing

37 3



Attorney Docket N :3486-024 DIV3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : HOCHMAN, Mark N
Serial No. : 09/767,027
(this is a divisional of parent application 09/201,464)
Filing Date : January 22, 2001
Title : DRUG DELIVERY SYSTEM WITH PROFILES
Examiner : To Be Assigned
Group Art Unit : 3763

COPY

June 20, 2001

Box Missing Parts

Assistant Commissioner for Patents
Washington, D.C. 20231

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Berinda J. Hunter
Berinda Hunter

**SECOND RESPONSE TO NOTICE TO FILE MISSING PARTS
AND REQUEST FOR CORRECTED (PRELIMINARY) FILING RECEIPT**

SIR:

At the time of filing the above-identified patent application on January 22, 2001, applicant enclosed therewith a *Fee Transmittal For FY 2001 (form PTO/SB/17)* authorizing the Commissioner to charge the small entity fees indicated therein to Deposit Account No. 07-1730. At that same time, applicant did assert entitlement to small entity status on the *Utility Patent Application Transmittal (form PTO/SB/05)* at item 2. Further, the initial submission at the time of filing included a *Declaration and Power of Attorney* duly signed by all inventors in this case. It is hereby reasoned that the declaration was not filed late and therefore a surcharge in the small



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/767,027	01/22/2001	Mark Hochman	3486-025 DVS 376-024 DIG

CONFIRMATION NO. 3318

22440
GOTTLIEB RACKMAN & REISMAN PC
270 MADISON AVENUE
8TH FLOOR
NEW YORK, NY 100160601

FORMALITIES LETTER



OC000000006098569

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Date Mailed: 05/21/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

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Filing Date Granted

PETITIONS OFFICE

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$27.
 ▪ \$27 for 3 total claims over 20.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 447.

*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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WASHINGTON, D.C. 20531
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/767,027	01/22/2001	3763	0.00	3486-023 DIV2	17	23	3

CONFIRMATION NO. 3318

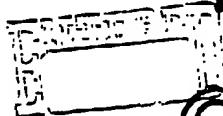
FILING RECEIPT



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NEW YORK, NY 100160801



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Date Mailed: 03/26/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

- ✓ Mark Hochman, Lake Success, NY;
- ✓ Claudia Hochman, Lake Success, NY;
- ✓ Angelo Ascione, Woodbridge, NJ;
- ✓ Lawrence Brown, Enola, PA;
- ✓ Hardie Johnson, Enola, PA;
- ✓ Michelle Lockwood, Mechanusburg, PA;

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Continuing Data as Claimed by Applicant

THIS APPLICATION IS A DIV OF 09/201,464 11/30/1998 PAT 6,200,289 ✓
AND CLAIMS BENEFIT OF 60/081,388 04/10/1998 ✓

Foreign Applications

If Required, Foreign Filing License Granted 03/23/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

" SMALL ENTITY "

Date 4.6.2001 Atty JR/TW/belRe: HOCHMAN, Mark H: DRUG DELIVERY SYSTEM WITH PROFILES**COPY**Serial/Matter (Docket) No. 3486-024 DIV III

Case No.

APR 04 2001S/N 09/767,027

R/N

P/N

Title or Description of Enclosures Transmittal-1pp; Response-1pp; Notice to File Missing Parts-2pp; Copy of Notice-1pp;

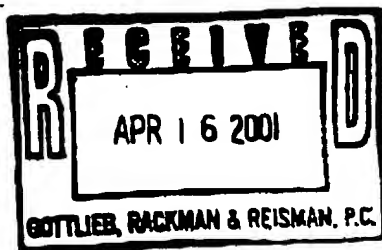
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/767.027
	Filing Date	January 22, 2001
	First Named Inventor	HOCHMAN, Mark N
	Group/Art Unit	3763
	Examiner Name	To Be Assigned
Total Number of Pages In This Submission	4	Attorney Docket Number 3486-024 DIV3

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) Return Receipt Postcard;
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	GOTTLIEB RACKMAN & REISMAN PC Tiberiu WEISZ Reg. No. 29,876	
Signature		
Date	April 6, 2001	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 04.06.2001		
Typed or printed name	Belinda HUNTER	
Signature		Date April 6, 2001

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Attorney Docket No.: 3486-024 DIV3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : HOCHMAN, Mark N
Serial No. : 09/767,027
(this is a divisional of parent application 09/201,466)
Filing Date : January 22, 2001
Title : DRUG DELIVERY SYSTEM WITH PROFILES
Examiner : To Be Assigned
Group Art Unit : 3763

COPY

April 6, 2001

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Attention: OIPE - Customer Service Center
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Beth J. Hunter
Beth J. Hunter

RESPONSE TO NOTICE TO FILE MISSING PARTS

SIR:

At the time of filing the above-identified patent application on January 22, 2001, the

USPTO overlooked applicants claim of small entity status on the *Utility Patent Application*

Transmittal (form PTO/SB/05) at item 2.

Applicant by his undersigned attorneys hereby claim entitlement to small entity status under 37 CFR §1.27. Therefore, it is believed that the total outstanding balance of \$427 as indicated on the *Notice to File Missing Parts* is not now due.

Dated: April 6, 2001
New York, New York

Respectfully submitted.

GOTTLIEB RACKMAN & REISMAN PC
Attorneys for Applicant
270 Madison Avenue
New York, New York 10016-0601
Telephone: 212/684-3900
Telefax: 212/684-3999

By: 

Tibor WEISZ
Reg. No. 29,876

S:\belinda\applicants\part\m\l\z\one\348624d\3.wpd



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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/767,027	01/22/2001	Mark Hochman	3486-023 DIVE

22440
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NEW YORK, NY 100160601

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CONFIRMATION NO: 3318

FORMALITIES LETTER



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NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$27.
 ■ \$27 for 3 total claims over 20.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$85 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 447.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE